

**IN THE CLAIMS:**

The Examiner is referred to the following summary of the relationship between the claims filed in the above-referenced application, and the claims in the parent of this application, Ser No 09/501,136, filed 2/9/00.

Present claim 1, directed to a bacterium, relates to original claim 8.

Present claim 2, directed to a method using the bacterium, relates to original claim 18.

Present claims 3- 22, directed to an isolated DNA, a recombinant plasmid comprising the DNA, and a cell transformed with the recombinant plasmid, relate to original claims 9-17.

The original claims were canceled and amended claims corresponding to them were filed during prosecution of the parent application, on Aug. 8, 2003. Claims that are substantially identical to those amended claims are filed in the present application:

Present claim 1, directed to a bacterium, relates to amended claim 44 of the parent application.

Present claim 2, directed to a method using the bacterium, relates to amended claim 54 of the parent application.

Present claims 3- 22, directed to an isolated DNA, a recombinant plasmid comprising the DNA, and a cell transformed with the recombinant plasmid, relate to amended claims 45-53 of the parent application.

It is noted that present claim 5 recites: An isolated DNA comprising a sequence which encodes a cold-active beta galactosidase that is specific for lactose and has a stable enzymatic activity at a temperature below 8°C, and which is isolated from the psychrophilic bacterium *Pseudoalteromonas haploplanktis*.

The cold active cold-active beta galactosidase recited in this claim is of the same scope as the enzyme recited in the broad allowed claim in the parent application:

Claim 22: A purified cold-active beta galactosidase enzyme, specific for lactose, having a stable enzymatic activity at a temperature below 8°C and being produced by the

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psychrophilic bacterium *Pseudoalteromonas haloplanktis*.

Statement in Support of Deposit

A copy of a statement in support of a deposit of the *Pseudoalteromonas haloplanktis*, which was filed in the parent application, Ser No 09/501,136, on 2/25/02, is attached, as is documentation of the deposit.

Sequence Listing

The paper copy of the Sequence Listing in this application (atty docket no. 31601-201282) is identical to the computer readable copy of the Sequence Listing filed on June 4, 2001 in application Ser No 09/501,136, filed 2/9/00. In accordance with 37 CFR 1.82(e), please use the computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is included in the originally filed specification of the instant application.

Inventor Declaration

The original Inventor Declaration filed in the parent application listed Charles GERDAY as the first inventor, and the filing receipt listed Gerday as the first named inventor. However, the most recent Inventor Declaration filed in the parent case, a copy of which is filed in this divisional application, lists Anne HOYOUX as the first named inventor. For consistency with the parent application, we have used Mr. Gerday's name to identify the present divisional application.